

REMARKS

In response to the above Office Action and the rejection of claims 1, 5-6, 10, 31 and 32 under 35 U.S.C. § 112, second paragraph, claim 1 has been amended to change “the phenyl ring” to “a phenyl ring” and to define where the ring is located. For example, when the group is a phenoxy group, the claim now recites “wherein, on a phenyl ring of the phenoxy group.”

With respect to the concern regarding the use of brackets in claim 1, these are a part of the claim. There is no prohibition in the Rules or in the M.P.E.P. regarding the use of single brackets, i.e., “[” in claims. Moreover, their presence does not mean the subject matter between them is to be deleted. The Rules are clear that only subject matter between double brackets, i.e., “[[” means that it is to be deleted. The use of the single brackets as well as the parenthesis is necessary here to properly separate the definitions of the various substituents. Accordingly, it is submitted that their use does not render the claims indefinite.

Withdrawal of the rejection of the claims for being indefinite under § 112, second paragraph is therefore requested.

At the bottom of page 3 of the Office Action, the Examiner cites “U.S. Publication No. 20080119478” as the state of the art. However, that is the publication of this application. Perhaps the Examiner means U.S. Publication No. 2010/0130508 cited in the Form PTO-892 as representing the state of the art.

In any event, and while the Examiner acknowledged No. 20080119478 was the publication of this application in the Interview Summary mailed May 9, 2011, it should not be considered a “reference” in this case. As such it should not have been cited in

the Form PTO-892 included in the Interview Summary. Rather, the one mailed with the Office Action of April 12, 2011 is correct.

While the Examiner only considered claims 1, 5, 6, 10, 31 and 32, claims 2-4, 7-9 and 11-30 have been retained as "Withdrawn" claims since they all depend from claim 1. Because these claims were only withdrawn as a result of a requirement for an election of species, it is believed that if claim 1 is allowable then they should also be allowable. Non-elected method claims 33-35, however, have been cancelled to advance the prosecution of the application.

While the Examiner returned the Forms PTO/SB/08 filed with the Information Disclosure Statements of April 5, 2006; June 4, 2009; September 1, 2009; March 1, 2010; and December 7, 2010, he did not return the "Corrected" Form PTO/SB/08 filed March 1, 2010 of the Form PTO/SB/08 filed with the Information Disclosure Statement of April 5, 2006 that corrected the number of WIPO Publication WO 97/01562. This Corrected form should be substituted for the one filed April 5, 2006. It would be appreciated if the Examiner would return an acknowledged copy of the Corrected Form PTO/SB/08 filed March 1, 2010 in his next communication.

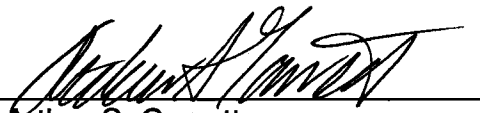
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: August 11, 2011

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